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CELIA WELLS

WOMEN LAW PROFESSORS – NEGOTIATING AND TRANSCENDING GENDER IDENTITIES AT WORK

ABSTRACT. This paper reports a research project on women law professors in the U.K. Despite their similar social and educational backgrounds, successful women legal academics disclose marked differences in their perceptions of the influence of gender on their work identities. Many emphasise the caring and pastoral roles they adopt, or are expected to adopt. Organisational cultures also emerge as a significant factor in determining the gender experiences of women law professors. The few with experience as head of school downplay the significance of gender while simultaneously acknowledging the influence of gender constructions and expectations.

KEY WORDS: gender experiences, gender perceptions, law schools, organisational cultures, universities, women professors

INTRODUCTION

[T]o take her place in the world a woman must have abilities which become the seeds of her rejection (Wyn et al., 2000).

This is a report of a research project on women law professors in the U.K.¹ Its immediate origin was the decision of the Quality Assurance Agency to appoint no women law teachers to its bench-marking panel for law in 1998. It was not that I had a burning desire to be on the panel, more that I thought it axiomatic that it should be broadly representative of those whose interests it appeared to address, law students and those who teach them. I contacted all the women law professors I knew suggesting that we form a network. All but one of the women law professors in the U.K. at the time agreed to join. This led me to develop the idea of talking to this particular group of women about their experiences in law schools.

¹ This research was funded by the Cardiff Law School Research Committee and by the Society of Public Teachers of Law. Of the many people who have contributed to it (not least the participants), I wish to thank in particular Helen Wright and Oliver Quick for their research assistance; Bill Felstiner for help with the pilot interviews; Alison Rees and Sharon Willicombe who analysed the questionnaires and transcribed the tapes. I am indebted to Bob Lee and Derek Morgan; without their support this work would never have been completed.



I knew then very little about studies of academics although I quickly began to be struck by the lack of self-analysis that we engaged in as a profession. That lack of inquiry was somehow more odd given our professional pursuit of education and knowledge. There are many qualifications to be made about what inferences can be drawn from the study. There are obvious points about bias and subjectivity. I knew personally or professionally a large number of my subjects (I even liked to think from time to time that I knew myself).² I was not an unknown researcher from outside their world. This may have affected the openness of some responses. I had worked at separate times with two of the respondents (before any of us was a professor) and work now with one other. I already had views about the relevance of gender and believed that on the whole its influence on women's careers was probably more malign than benign. One of the latent hypotheses that I was seeking to explore was that women's experiences might change as they become more senior members of the university.

The paper is in seven sections. First I explain the research context, objectives, and methodology. The second part, "Who are the women law professors?", discusses their social and educational backgrounds, reasons for becoming academics and career patterns. Perceptions about gender are presented in the third section, while the fourth looks in more detail at the kinds of roles the women (wlps) believe they have been asked to perform and their views about the promotion process. The influence of university and departmental cultures, including a discussion of devaluing and bullying behaviour, is explored in the fifth section. I then turn to the implications of this study for universities and law schools particularly in relation to difficulties faced by women in leadership positions. The final part considers the intersection of gender with other aspects of identity such as sexuality and religion.

1. ABOUT THE RESEARCH

As we all know, our thoughts, both anxious and happy thoughts, and others which are neither one thing nor the other, sooner or later grow weary and bored with themselves, it's just a question of letting time do its work, it's just a matter of leaving them to the lazy daydreaming that comes naturally to them, adding no new irritating or polemical reflection to the bonfire, above all taking supreme care not to intervene whenever an attractive bifurcation, branch line, or turning appears before a thought which is already ripe for distraction (Saramago, 1999, p. 161).

Why should this study be of interest? It is now widely accepted that women are under-represented in academic posts in U.K. universities, espe-

² For the background and for some of my own experiences, see Wells (2001a).

cially at the more senior levels. Universities exercise significant powers in recruitment, selection and promotion of both students and staff. University academics play central roles in advancing students' civic education and preparing them for professional responsibilities. Yet, in the U.K., university teachers have only recently begun to examine who they are.³ Within the university sector as a whole, women are concentrated in library, administrative and clerical posts, while women in academic positions are disproportionately on fixed-term contracts, and found at junior rather than senior levels. There is clear evidence that women of all ranks in universities are paid less than their male counterparts (McNabb & Wass, 1997; Bett, 1999). Perhaps the single most striking characteristic of equal opportunities debates in the U.K. higher education sector is how far behind they are those in the U.S., Canada, and Australia. It is as though we are discovering patterns and practices with which others have been familiar for a decade or more. (See for example Guinier (1994); Thornton (1996, 1998).) We know little of the careers of those who work in law schools and there is little in-depth research on patterns of gender distribution in specific disciplines. Although more than half of the 40,000 undergraduates studying law are women, in the majority of law schools they will encounter more male lecturers than women at all levels. In the majority of law schools there are no women law professors and there are very few women heads of department.⁴ Compared with their male counterparts fewer women students and academic staff will go on to the top of their profession (Wells, 2000, 2001a, 2001b).

The three major theoretical explanations for women's lack of representation are structure, agency and culture (Hull & Nelson, 1998). Structure includes such matters as the organisation of work, its relationship with family responsibilities, and the criteria for appointment and promotion. Agency assumes that men and women choose their position in the employment market, that they do not acquire the necessary skills and qualifications to proceed to certain positions by choice, and they opt to have children and devote themselves to caring for families. Culture broadly covers attitudes, expectations and perceptions imposed through accepted 'understandings' of the way the world works, giving social meanings to gender so that certain types of work are seen as in the female or male domain. Organ-

³ On higher education in the U.K. generally see Becher (1989), Halsey (1993), Trow (1994), Hearn (1999); on women see Morley & Walsh (1996), Morley (1999), Brooks (1997); on senior academics David & Woodward (1998); on law, Collier (1998), McGlynn (1999), Cownie (1998).

⁴ The academic hierarchy in the U.K. comprises lecturer, senior lecturer, (in some institutions) reader, and professor. In law schools approximately 58% of academic staff are lecturers, 23%, senior lecturers and 18%, professors.

isational cultures – whether at the level of the department, the university, or the broader educational system – can be significant; they are neither static nor given (Alvesson & Billing, 1997). The impact on the academic career of the major structural, cultural and demographic changes in the last decade is difficult to estimate. Traditionally universities have been seen as offering career promotion for a few and a stable job for the remainder, with most academics following a ‘straight-road’ path rather than dipping in and out on a ‘winding track’ (Weiner, 1992).

This study sought to broaden knowledge of a group of women who share a job description and status. The women are very similar in many respects and wildly diverse in others. Similarity of background and status belies significant differences in their institutional and educational experiences and in their perceptions. Although I was not seeking to explain why women are less well represented in the top ranks of universities than men, the project led to a number of insights into the institutional and cultural processes that may influence university career patterns. I was interested to find out what impact women thought that gender had on their working lives. Again, this does not amount to saying that gender has had an impact that cannot be explained by other identity factors (such as ethnicity or sexuality) or by ability or personality. The women in the study have overwhelmingly spent their working lives in institutions managed by men (there are few women amongst vice chancellors, principals or pro vice chancellors (Bown, 1999)), in departments largely staffed by men (even accounting for the almost exclusive gender segregation of clerical and support staff jobs), and surrounded by men in senior positions. Whether this is something that they believe affects them in their work is a question worth asking. How they believe it has affected them is a question worth exploring. That is what this study set out to do.

In traditional research a hypothesis is outlined and then tested whereas grounded theory starts from a clean slate and builds theory from data. Attractive as this sounds, grounded theory is flawed because it is not possible to have no standpoint. I would have been unlikely to embark on this study had I not thought gender an important organising principle (Morley, 1999, p. 24). I am happy to confess that I was not familiar with these arguments when I began the study and in that sense, even if it is not grounded, it began in ignorance. But ignorance and the layer-constructing aspects of research themselves interest me. Research (especially social research) is always going to be located somewhere in the middle between things we ‘know’ about already and things we want to find out about. As we find out more, our previous ‘knowledge’ is compromised and adjusted. The process is so complex that it becomes very difficult to stand

back and say with much sense of conviction, when I started I knew and thought 'x', whereas now that I have completed the research (not that it ever is 'complete') I know 'y'.⁵ This study therefore lies methodologically somewhere between grounded theory and deductive testing of a hypothesis.

The original design comprised two elements, a questionnaire and semi-structured interviews. However, as I read more and talked to more people engaged in research on women in professions, I realised that self-reporting could be added to the questionnaires and would reduce the need for interviews. Although the interview process is valuable it also has methodological and practical problems. Practically it is time consuming and expensive.⁶ Methodologically there is always the question of 'finding realities'; or, rather, it is important to realise that there is no reality to find (Miller & Glassner, 1997). I will return to this point in a moment. I decided therefore to combine biographical questions with more perceptual questions, asking respondents to write a self-report at the end.⁷

Both the questionnaires and the interviews in some cases realised the potential to stir up sensitive and possibly painful experiences (Morley, 1999, p. 22). One person, describing the interview as cathartic, said that it changed her life "to a quite scary extent". Another was visibly upset when talking about adopting and bringing up her daughter. One said, in returning her questionnaire, that the comments seem "a bit raw" but that is "how I felt". As well as the need to be sensitive to the effects of the research process itself, there was the additional fact that I knew many of my subjects. There was therefore both a general and specific issue about anonymity. Most of the respondents did not seem concerned that their comments, even though reported anonymously, might nonetheless be identifiable. Some, however, were concerned that all efforts should be made to ensure that anonymity (both their own and that of anyone they talked about) was preserved. I have aimed to use material in a way that does not identify it with particular individuals or institutions. The respondents have

⁵ I have relied on Louise Morley's illuminating discussion of methodology (1999, chapter 1).

⁶ In time as well as in travel, accommodation, and transcription costs. Two funding requests were rejected because of reservations about the value of this study rather than one that compared men with women, or compared those who had been promoted with those who had not. I saw the value in both of those types of study but that was not what I wanted to do.

⁷ No one declined to be involved in the project when invited to do so but not all returned their questionnaires. The final research population numbered 37, a return rate of 74%.

all had the opportunity to review and ‘veto’ their quotations.⁸ The fact that I knew many of the women did not deter those who participated from doing so but of course may have affected what they said. “Ethical questions about social and professional boundaries” cannot be simply ignored (Morley, 1999, pp. 12–13). This leads to more general methodological issues in relation to qualitative data.

Care has to be taken with what it means to set out to ‘discover’ women’s experiences. “Experiences are not just out there in the subjectivities of women, waiting for the empathic and egalitarian feminist researcher, in a dialogue, to stimulate their straightforward expression and subsequently ‘mirror’ them in research publications” (Alvesson & Billing, 1997, p. 35). Experiences are often vague, contradictory and above all constructed. Problems may arise because language and personal experiences are often ambiguous. Research respondents can be ‘victims’ of a particular research design (Alvesson & Billing, 1997, p. 26). Not only may the choice of language in both questionnaires and interviews profoundly affect the responses given, but interpretation of the returns is rarely clear cut. Social worlds are not static. The interview can be seen as an interaction in which the interviewer and interview subject “create and construct narrative versions of the social world” (Miller & Glassner, 1997, p. 99). As I shared a professional identity with my subjects social distance was less of a problem in this study. I therefore conformed to Collins’ prescription that researchers should have lived or experienced their material in some fashion if they wish to make legitimate knowledge claims (Collins, 1990, p. 232, quoted in Miller & Glassner, 1997). However, this is not to deny that the interview process “fractures the stories being told” (Miller & Glassner, 1997, p. 101).

Whatever the qualitative discussion appears to be claiming, it is written in the knowledge that what this represents is my interpretation of my respondents’ replies to what they thought my questions were asking. Some of them were very familiar with feminist theories while others were not. Some had clearly thought beforehand about the issues that we discussed, some had not. Saramago (1999, p. 174) gives these ideas literary expression when he writes:

He remembered the events of the day . . . faithful as to the meaning, less so regards form, which is both understandable and forgivable, since memory, which is very sensitive and hates to be found lacking, tends to fill in any gaps with its own spurious creations of reality, but more or less in line with the facts of which it has only a vague recollection, like what remains after the passing of a shadow.

⁸ Minor revisions aside, no one exercised their veto. I have used some editorial discretion in removing repeated ‘you knows’ and ‘sort ofs’. Trust me, I’m a professor.

2. ABOUT THE WOMEN LAW PROFESSORS

Where did they come from? One of the points that came out most strongly was the homogeneity of the group in terms of social and educational backgrounds.⁹ While they range in age from 35 to 65, and had been students and law teachers at very different periods, the wlps mainly share a professional social background. Only one or two come from working class families. The wlps' educational backgrounds (school and university) were, unsurprisingly, broadly reflective of their social and economic circumstances. Over a third were educated privately at the secondary level (three attended both private and state schools).¹⁰ Whether state or private, the overwhelming majority attended single sex, (85 per cent) selective (83 per cent) schools. Two thirds of the professors in the study began or completed secondary schooling before the introduction of co-educational comprehensive schools in many parts of the U.K. during the late 1960s/early 1970s. Nonetheless, it is worth noting that only one reported that she attended a comprehensive school. This elite education took them to elite universities. A large proportion (13) attended the 'golden triangle' of Oxford, Cambridge and London. Of the others, Manchester and Leeds were the only universities to have more than one wlp amongst their alumnae. The new universities of the 1960s contributed only one (me as it happens).¹¹

Most of the women in this study benefited then, through their social and educational capital, from being exceptions to the norm so far as expectations for girls' careers were concerned. Even now half of all university applicants come from the managerial and professional classes, three quarters are white and three quarters from the independent school sector.¹² The combined benefits of class and male-ness were recognised by some of the women in the study:

⁹ The analysis is based on 37 individuals: 29 completed questionnaires and 11 interviews. Four of those interviewed did not complete the questionnaire pro forma. Where possible I have transferred interview information into the statistical data. Each respondent has a code number. I included myself in the statistical data but not in the qualitative material. See Wells (2001a).

¹⁰ This is about three times higher than for the secondary school population as a whole during the 1960s and 1970s when about 12% of secondary pupils attended independent or grant-maintained schools.

¹¹ Kent admitted its first law students in 1966, Warwick in 1968, East Anglia in 1977, Lancaster in 1979, and Essex in 1980. Sussex admitted a few law students from 1961 but only launched a separate school in 1991.

¹² University Central Admissions Service, www.ucas.ac.uk. This is an excellent statistical resource for which there is no easily accessible equivalent for information on academic staff.

But I think class is another issue as well as gender in terms of being accepted. I also think women just don't have the arrogance that these men have. I think it makes us more aware of how people perceive us and I think we're much more wary about how we behave; they just carry on regardless and the guys seem completely immune as to how junior people do think of them (respondent 45).¹³

At the time they were at university the wlps would have been 'at home' in class terms but surrounded by more men than women. 35 years ago women made up only a quarter of the undergraduate population, and the majority of wlps in the study were students before 1980 when the proportions were scarcely better. However, for many of them it would have been the first time they had encountered co-educational classes since they were 11 years old (or longer in many cases). The number of students entering university at the undergraduate level has massively increased since the 1960s, and the increase has equalised the representation of women in universities. Between 1970 and 1988, four times as many additional women (52,000) entered university in Britain as did men (11,000). At the same time, development across institutions was extremely uneven. Oxford and Cambridge were heavily dominated by men until the 1960s by a factor of 5:1 at Oxford and 10:1 at Cambridge (Halsey, 1993, p. 66; H.E.S.A., 1997).

Not all of the women in the study pursued postgraduate degrees but those who did attended one of ten universities. London was the most attended which, given its large L.L.M. programme, is not altogether surprising. Fewer than half indicated that they had professional qualifications. Of those, 12 had qualified as barristers and two as solicitors. Very few (eight) respondents indicated that they had been engaged in a career other than teaching at any time.

Why Did They Go into Law Teaching?

Most of the wlps referred to the fact they had been amongst the best in their year and many mentioned that they were encouraged to go into academic work by an individual member of staff (often but not always male). Two other factors were mentioned: the accessibility of an academic post in comparison with legal practice and the flexibility it offered. A number specifically mentioned that they took up university teaching rather than the Bar which might have been the natural route for progression because they felt they would be, or had been, excluded: it was inaccessible, 'not for them' or just 'stuffy'. Academia was a haven in comparison with the closed

¹³ Each respondent has a code number. It would have been interesting to append details such as age and length of experience to each quotation. Unfortunately the small size of the population would have made the respondents too readily identifiable.

world of the Bar where failing to conform to the white, public school, male stereotype was (is still?) a major hurdle to entry.

I did not fancy practice because the gender barrier was too great then and I had no contacts in the profession. I had an idea that women could succeed in academe. [A woman] was Dean when I was in my first year – it never occurred to me that it would be as tough as it turned out, to overcome prejudice (10).

Barrister stuff, eating dinners, not congenial. Not have thrusting personality, getting on with right people, not me (13).¹⁴

I still intended, realising I wasn't so daft, to go to the Bar. I qualified as a barrister, but then didn't go to the Bar because I didn't think I could make it . . . I thought as a woman and the kind of background I came from, which was not public school, this was 1960s, and the difficulty also doing Bar and any kind of family life and I got married . . . , so I was obviously looking towards having children at some point, and I thought academic life was a much better way of combining career with a reasonable life for a woman (26).

The last comment on the compatibility of an academic career with family life through the flexibility in working hours was echoed by others. Two thirds of the women have raised children during their careers. While most have either one or two children, two of the women have five or more. In addition, a fifth of the women reported that they had responsibility for looking after parents or elderly relatives. A few of them referred to the fact that child care was shared equally with their partners but most of them took for granted (it seemed) that they would be the primary carers.

Career Patterns

A much wider diversity of career patterns emerged than the demographic and educational homogeneity would indicate. The range of universities in which the women have held and now hold posts is much wider than that at which they undertook their law degrees. The elite universities that educated these bright women show a marked reluctance to appoint them as professors. Neither Cambridge nor Edinburgh has any women law professors and Oxford has only recently opened up its professoriate to women. Institutional promotion procedures and thresholds vary. It is generally accepted that it may be easier to gain promotion through the external route than the internal.¹⁵ Nonetheless it is interesting that the number of years spent in junior posts before the first promotion (to senior lecturer) ranged from three to over 20 years. The average number of years spent as a lecturer was 13.5 years but over a quarter had spent fewer than 10 years as a lecturer, while nearly 70 per cent spent between 10 and 20 years at this

¹⁴ Notes from an interview – the tape was damaged.

¹⁵ This includes both applying for posts outside one's current institution and, which is not uncommon, applying for externally advertised posts within one's own institution.

level. Once promoted the period spent at senior lecturer or reader ranged from one year to 14 years. The average was 3.5 years, although only 15 per cent spent longer than 10 years as a senior lecturer. Both these sets of data suggest that some women (some academics) spend vastly longer in the junior/middle ranks than others. Further research into this career tracking would be worth while, although we already know that a smaller proportion of women than men in each cohort (lecturers, senior lecturers) achieve promotion (A.U.T., 1998).

Some of the respondents had been professors for quite a short period at the time of the survey. The average incumbency was six years. About a quarter had spent fewer than five years as a professor, two thirds had spent between five and 10 years, leaving just over 10 per cent with 10 or more years service as a professor. Although some of the events recounted here took place over 20 years ago, I do not have the impression that there is much of an age or generational effect in terms of the overall responses to the questions about gender influences on their careers. Those who denied the impact of gender were not drawn particularly from the older or younger ends of the group. Likewise, those who were sensitive to gender fell in a mixed pattern amongst those who had been in academic life and/or in senior positions for a considerable period and those who had not.

3. THE INFLUENCE OF GENDER

The process of gender differentiation can be seen as a four-dimensional figure (Le Feuvre, 1999, p. 153). On one side is the production of gender divisions in work. We can see similar patterns in all professions, with women mainly in subordinate (service) roles. Universities are no exception. A second aspect of gender differentiation is the creation of symbols, images and consciousness that justify divisions: one might think of the entrance lobbies of some law schools with their portraits of male judges and the preponderance of photographs of male 'leaders' in university newsletters. On the third face are found the interactions between individuals in "the multiplicity of forms that enact dominance and subordination and create alliances and exclusions." And finally, there is the internal mental work of individuals as they construct understandings of the gender structure and gender appropriate behaviours. "[S]uch internal work helps to reproduce divisions and images even as it ensures individual survival" (Le Feuvre, 1999, p. 153; Scott, 1988). While my research is more concerned with the last two of these four dimensions, the context in which interactions and mental work takes place is structured, coloured and informed by the first two.

Perceptions

What did the wlps think about the effect of gender on their careers generally? Despite the fact that they had all signed up to the Women Law Professors Network (and therefore presumably believed gender had some relevance in legal education), nearly a fifth of my respondents thought that gender had had no effect at all on their careers or on their relationships with students, colleagues, heads of school or others in the university. They had somehow transcended gender or negotiated it differently from those who believed it did have an effect. However, four out of five believed that gender did play a part, and that there was an increased tendency for it to do so with those in positions of authority such as a heads of department. The findings confirm the subtle patterns of different treatment that women perceive.

As I have already noted one way of negotiating gender is through class identification:

Gender perceptions have not been a disadvantage. For myself I have felt 'one of the boys' because at [Oxbridge] and at the Bar women were very heavily outnumbered and I have been accustomed to that and not worried by it (38).

That gender was *relevant* but not a *disadvantage* was a view expressed by more than one:

As far as my [undergraduate] experience is concerned I do not remember feeling or being treated anyway but equal. I was President of my Hall of Residence (women only) and was a member of the Students' Union and ran for President of the Union (17).

I cannot honestly say that my gender has caused many real difficulties in my work, though it has critically influenced my research field. I am about to become head of school and therefore do not know whether gender will prove relevant here. My suspicion is that I have been in my present surroundings so long that nobody really notices my gender any more! (14).

Another believed that it is possible simultaneously to be aware of gender and to determine to ignore it:

My philosophy . . . is the one I have consciously or subconsciously followed all my life, namely to behave as if equality between the sexes prevailed, to ignore barriers that may or may not exist, to forge ahead regardless, never to espouse the 'victim mentality', to believe that anything is possible, and to be robust in the face of alleged sexual and religious harassment . . . Younger women seem to belong to a different species altogether, of a more sensitive and victimised nature; and as I get older, I find their attitude more and more inexplicable and self-defeating (11).

Contradictions

More than one of those who reported no gender effects drew attention in their interviews to instances in their careers when they had experienced problems. In fact, contradiction and agency appeared in a number of the accounts. Internal mental work thus abounds. Belief in our own agency is well expressed by Julia Annas (1993, p. 282): “People’s desires can be in large part formed by the circumstances and options that they perceive as being open to them . . .” Or, as Naffine comments (2001), “agency is the ongoing endeavour to make sense of contradictory [cultural] practices without going mad, and without being struck dumb”.

How do we explain those who denied with one hand and gave with the other in terms of gender perceptions? They perhaps did not see or want to see themselves as victims (especially as they were objectively ‘successful’); it was perhaps important to emphasise that they had not received any special treatment; and it perhaps reflected an overall political value system which assumes that appointments and promotion are the result of entirely meritocratic processes. For example, one wrote in her self-report that she

Experienced sexual harassment as a younger member of staff from a previous head of school. So did other young females in the law school (2).

I followed this up in an interview, pointing out that in her questionnaire answers she had consistently ticked the ‘gender has had no effect’ boxes.

Yeah, that’s interesting, but it didn’t affect anything, it was just, I think, a case of an older male senior person who was, sort of, going around, he tended to, you know, be sort of affectionate, but he was trying to bring out things that you were upset about and then go “there, there” and I just quickly moved off and said that was the end of that but it was interesting later, several years later, that other young female colleagues had had the same kind of experience, but, we hadn’t talked to each other about it (2).

Two others wrote in similar vein:

Gender issues have not affected my work though I quickly discovered that one could be ‘sexually harassed’ (in the form of advances) – not a known concept in the late sixties- but one could also harass. I regarded such advances as amusing and took them jovially which always worked to put them off. I find that with seniority one gets bolder and men get more intimidated (39).

I had one ghastly experience with a previous Head of Department and 2 young male colleagues, but beyond that I don’t feel that gender has affected my working environment (28).

These disjunctures between the questionnaire and the self-report may have arisen because the questionnaire did not distinguish between ‘unwanted experiences’ and professional disadvantage. One woman had however

experienced a single instance of professional disadvantage but nonetheless thought gender irrelevant.

I have only experienced negative gender perceptions once. This was when I was made redundant. Two colleagues were selected for transfer to other universities. The choice was supposedly made on merit but I have reasons to believe that the college was being kind to 'breadwinners'. I was also pregnant at the time. I cannot think of any situation within law schools where my gender has been an issue. However, I have no doubt that my appointment to various quangoes has been at least partly due to my gender (48).

Constructions

A number of women commented on the impact of gender in ways which dismissed the effects as inconsequential, temporal or not directed at them. Perhaps we all like to think that we are immune from these sorts of comments because otherwise, as Naffine suggests above, we would go mad.

Neither in my undergraduate career, nor as a young lecturer, did I feel at any disadvantage as a woman. Only about 12 out of my undergraduate class of 90 were women. When I joined the Faculty staff there were four women (including me) and about twenty men. However the three women staff who taught me, [A, B and C] were strong characters. Their influence belied their numbers. There were male lecturers who did express anti-feminist views. Certainly [A] and I regarded them as a bit of a joke. In the arrogance of youth, I certainly thought that any strong woman could outstrip men any day. I was aware that unkind remarks were on occasion made about [B], and that attempts had been made to marginalise [C]. I thought women still had battles to fight but that by say 1979 the war would be nearly won (6).

Even though this next respondent was aware that lack of stature can be translated into a metaphorical as well as a physical description, she did not want to suggest it led to discrimination.

[I] never felt discriminated in terms of gender. In all universities where I have worked women have had good careers. I think there is a problem in relation to physical appearance – small, blonde, lacks gravitas. Felt not taken terribly seriously until became very old. Sometimes patronised (not often) and treated with immense gallantry (same thing?) It is different now (34).

Meanwhile, women who get 'the look' wrong can only expect to get the wrong look:

If a woman looks too attractive, she is not taken seriously; if, on the other hand, she is not stylish at all, she will not be popular. The trick is to strike a happy medium between the two extremes (11).

Gender and the Experience of Work

A number of the wlps recognised that having more women about would have made a difference to the experience of doing the job in terms of having role models, mentors or in feeling part of a dominant group rather than always in a visible minority.

I have never had a mentor that was of any use in terms of either my research or teaching – but I never felt the need of one. I have always been a very hard-working, over-achiever so didn't need much from others – which is good because if I had needed it I might have been in trouble! (16).

I do not feel that I have suffered in relation to promotion or the type of work I have had to do because of my gender. I would, however, have liked more opportunity to work with women at the same level – rather than continually to be outnumbered by men in meetings etc. (42).

It was not uncommon for a gradual awareness of gender to begin to dawn on the wlps. This dawning I suggest reflected moves in their own position and status in the academy (from student to staff, from junior to senior and so on), changes in personal life (becoming a parent or caring for elderly dependants), and broader socio-cultural shifts. Given that many of the group were in their teens and twenties as second wave feminism unfolded in the 1960s and 1970s, it is not surprising that the implications of new concepts and politics would gradually infiltrate their own ways of making sense of the world.

4. ROLES AND NORMS – CARING, COLLATING, COMBINING AND PROGRESSING

The broad question of how gender might affect professional work, can itself usefully be broken into three parts suggests Susan Carle: ascription, roles and norms (1999, p. 245). *Ascription*: who gets to perform what work, who gets the job and what jobs do they get once they are there; *roles*: in what ways does gender affect how work is performed; *norms*: how does gender affect the assessment of work performances. The evaluation question feeds back into the loop and, as careers progress, determines who gets to perform which jobs. In this section I turn to specific examples of the ways in which some women have felt constructed into roles and attitudes such as assumptions that they are better at the pastoral aspects of the job, or more committed to teaching than to research. The responses lend qualified support to the typology developed by Margaret Thornton in her study of women lawyers in Australia. She argued that women's acceptance in the academy is contingent on their falling into one or other or a combination

of these roles: the adoring acolyte, the body beautiful, the dutiful daughter, and the Queen Bee (Thornton, 1996).

A connected stream of comments reflects some of the feelings that women may have about the value of the work they do, or the value that others place on it. Individual behaviour is not only conditioned by race, class and gender, but the perception of a person's behaviour is affected by the other party's view of their race, class and gender (Mather, forthcoming). Individualised characterisations such as "'x' is sensitive" (or emotional or difficult or strident or aggressive) belie a whole host of complex constructions and interactions by people whose position in majority or dominant groups gives them little opportunity to acquire any insight into the lives of others. Women's role as child carers comprises one aspect of this stream. Assumptions about women's suitability for pastoral roles derive from expectations about their role in the family and impact both on those with children and those without (Levit, 2001). Further, those who do have children sometimes find the construction of their role compounded by the assumption that they will have divided loyalties, with less time to devote to their jobs. Given that academic work is not bounded by office hours and that the criteria for success are often opaque and usually subjective this may go some way to explaining the lower rates of promotion for women. There is an expectation that women will be "intellectually inspiring yet endlessly nurturing" (Acker & Feuerverger, 1996). For example this study confirms that women, as they become more senior, undertake considerably more mentoring than before and believe that they do more of it than many of their male counterparts.

Work Care

Stereotyping abounds in deciding who is to do what jobs in universities, whether it be teaching, administration, or ensuring time for research: Women know best about some things' . . .:

Years ago I remember complaining at a union meeting about how few women there were on a university committee. Within a week, someone rang to ask if I'd like to be on the committee which supervised the university nursery (40).

I wanted to teach conveyancing but was told I couldn't because I did not have a practising certificate. I was then asked to teach family law (30).

Once I was instructed to teach family law (which I had never studied) "because I had a family" (32).

. . . or can be useful tokens:

I would say that I have often been asked to do things/ been put on committees as a token woman. However, I also realise that this has worked to my advantage in some ways, when

there have been things I wanted to do anyway and might not otherwise have had the chance to do. Plus in situations where you have a rarity value you are not likely to be overlooked. There are benefits as well as burdens. I am surprised that senior colleagues are actually explicit that they are asking me to do something because I am a woman even now. I am also surprised that they are surprised to find that I don't like it (40).

The strongest theme in the interviews I conducted was the confirmation that women *believe that they take on more pastoral work* in universities. They think that students and colleagues believe that this is something women do better. And they believe that it is indeed often true that women do take these roles more seriously. Like most of my study this is about what people believe and perceive, not what actually happens. What we have is not a description of 'reality'. Nonetheless it was said often enough, and even by those who otherwise denied that gender had ever trespassed the door of their ivory towers, that I think we should take it very seriously.

It is well known that this kind of work with students is not valued at all in universities when it comes to promotion. It is not 'counted' when teaching hours are allocated. It therefore may well amount to a discriminatory effect. In fact I think it may be worse than that and 'mark' women as not serious about research or scholarship, even if they patently are. Women may be left with no time for or be perceived as uncommitted to research. Different standards may be applied to women who fail their obligations than to men. Because research is *higher order* and *intangible* in the university value system, these 'failings' are not tolerated and at the same time the 'absent-minded' male intellectual is excused from the mundane work of administration (Wells, 2001a).

The next quotation combines the two ideologies of care, at home and at work, and indicates that home is thought by others to be the priority.

Gender has certainly been an important influence on my career. This has been an external influence (expectations from colleagues and deans that women are better at pastoral care and should therefore carry the burden of it, expectations that if I have a family to focus on then I shouldn't care too much about promotion, and expectations that the privilege of career success is a male privilege) (32).

I think that the women staff generally always bear a much greater burden in terms of emotional work with students and students coming in with problems and stuff . . . I'm not sure how you go about quantifying it, ten hours teaching credit for emotional work, you know, so that sort of thing is not beyond the realms of possibility. It is a really important question and I think it's definitely the case in general. Men have more time to do their research than women because of students etc. (22).

I certainly don't believe women are inherently better. I think listening skills are extremely gendered perhaps more than most things and I think students' perception is that women will listen and that somehow it doesn't have to be as important an issue for a woman so the serious issues you might take to a man but the less serious ones you might think a woman lecturer will listen to you (9).

Sometimes this was seen as an 'internal responsibility':

[Gender] has also been an internal influence – my own feelings of responsibility to students, particularly 'misfit' students who need extra pastoral care, my own lack of assertiveness skills (bursting into tears when attacked is not effective), my own perception that because of my background I was perhaps not as deserving of career success, my unwillingness to play political career games (32).

Others recognised that pressure comes from a number of sources, including the new public management of universities (Thomas & Davies, forthcoming).

I think the micro thing and the R.A.E. [research assessment exercise], if anything, is as much a concern as the macro thing, you can say are people finding it difficult have families and big things like that but also, it is harder for women to get the time together for research when they're doing the pastoral things around the school and the supporting things and the talking to people things, which can take up a lot of your day and you can't then turn to somebody at the end of the day and say, well I didn't get as much time as I wanted because I had to see all these students because they would say to you, well we all have to do that. But if there's somebody in tears you can bet, you know, they're going to be sent here and if somebody's got a question about a module they feel silly asking somebody else, they'll come in here and there's a lot of time picked up I think by women and not so much by even quite junior men (5).

The thing that a lot of young women spend their time doing is talking to students ... I suppose they see women as better listening boards (9).

I write vastly more references ... because students feel I know their work. I don't mind this in one sense, but it's irritating not to have it recognised as time-consuming yet vital work. I wonder also whether women are better at some things which involve application of research but do not necessarily attract the kudos of traditional publications. I work well as a teamwork/consultee when it comes to producing reports and consultation papers (5).

*Collating*¹⁶

As one of the interviewees said, it can be difficult to know whether the kind of work a woman does is undervalued with justification.

Interviewee: Or, they sometimes think they're undervalued, they're regarded as efficient teachers and work horses but not ambitious researchers. That kind of thing.

CW: By whom? By the other male staff, by the institution ...?

: Yes, by the male staff.

CW: From that point of view that's an unfair judgement?

: Well that's the problem, it's not totally unfair because the women are on the whole more likely to do the housekeeping type jobs. They are likely to spend more time with the students, to spend more time on their marking, spend more time on feedback, that sort

¹⁶ 'Collating' is shorthand for general administrative work. There is no clear demarcation line between this and the previous section.

of thing. And, they are not frankly quite as ruthless about keeping their time for research free (26).

I have made so many mistakes finding my niche in legal research . . . my male peers got the necessary advice and mentoring; I got on with all the work they threw at me. I coped; they thrived. To compound matters I allowed myself to be drawn into major admin/managerial roles and devoted HUGE amounts of time on tasks which advanced my career very little. I allowed myself to be typecast but realised almost too late (10).

Sometimes in my quieter moments I wonder whether it is so great to be organised, manage well, be efficient, meeting all deadlines, etc. I think this is a female attribute which our males colleagues do exploit (17).

It is not just that women are caught between two greedy institutions, those of work and family (Coser, 1981), but that work expects the family role to continue there. A manifestation of this is that women, along with minority group members, are also left to carry the responsibility of the equality or diversity agenda through membership of E.O. (equal opportunities) committees, representation on appointment panels and so forth.

Gender only became consciously important to me once I got my first job and I found myself in a minority of women teachers. Particularly during my time at O. I spent a great deal of time campaigning on E.O./harassment issues and mentoring/ counselling' students from other colleges and departments with no, or no sympathetic senior women. I now find my administrative load increased by the outcome of the E.O. policies viz. Women on every committee etc. . . . (24).

I have spoken with many male heads of school who agree that women do bear a disproportionate load but they are unable to agree that this can be taken into account in allocating teaching.

Combining – Home Base

The ideology of care is borne out in practice. Two thirds of the wlps had children. This is perhaps surprising as it is often thought that successful women 'sacrifice' themselves to their career by forgoing motherhood. The wlps appear to be somewhat out of line with academic women generally. Blake & La Valle (2000) found that not only that fewer women academics than men have dependent children, but also that the disparity was more marked among the over-fifties (with 8 per cent of women compared with 36 per cent of men having dependent children). However, women that *do* have dependent children are far more likely to have the main responsibility for caring for them (55 per cent of women with dependent children compared with 5 per cent of men). They also found that twice as many women as men had responsibility for looking after a disabled or elderly relative or friend (Blake & La Valle, 2000). A number of the wlps identi-

fied as stressful the need to combine work with caring for children or and dependants.

I think the main gender stress has been the typical problem of combining work with child-rearing and the guilt involved at various times when one feels one is under-performing on all fronts while working full pelt. On the other hand, I think that an academic career does work with children because of the flexibility (32).

When I first became an academic . . . X.Y. . . . operated a benign dictatorship. Meetings were only held to inform the troops of what had been done I remember a particularly revealing session with X.Y. when an appraisal system was initiated. At that time I had been on leave . . . he asked why it was I had 'suddenly' decided to publish. I explained the impact of leave from teaching and remarked also that the children were a bit older which was a help. [He] asked what effect the children had on my job. It was absolutely apparent that he had no idea at all of the possible impact of either child or elderly relative care. To give him his due, when some of the problems were explained he became active in supporting the careers of young women with children. I have a positive view of appraisal for this rather idiosyncratic reason (16).

There's a lot of prejudice against parenting here, more so than gender prejudice. There's a lot of senior people who either are childless or who didn't play a part in the child rearing so it never held them back because somebody else was doing it for them and a lack of appreciation about how difficult the juggling is so you have an absolute and unqualified right to do as it were and I feel that more appointments are being made it seems that the balance is very much shifting to the people not just with families, but with young families. Much will change now [that I am not the only female professor] but there is still a tendency to go for, say, 5 o'clock meetings which are pretty hard when your kids are small (5).

One self-report contained a number of telling observations.

As I 'grew up', I became more aware of the institutional pressure many women in legal practice and in law schools confronted. Purely personally, until my daughter was born, I never felt subject to such pressure. Becoming a mother changed this state of affairs. Returning to work after a difficult childbirth, I was swiftly made aware that some colleagues thought that I should stay at home with my child and others now wrote me off in the promotion stakes. Insinuation that I was a bad mother upset me greatly. No-one suggested that my husband [also an academic] was a bad father. It would have been relatively easy at that point to succumb to the combination of the practical difficulty of bringing up a child and discomfort with some colleagues' attitudes.

I worry that apparently changed attitudes have not made all that much substantive change to women's career opportunities. Twenty years ago the job itself was less demanding and allowed more flexibility. Law schools (though few would admit it) are wary of women who are likely to have children. Talking to my own female colleagues many say that they do not think that they could contemplate having a child yet. They feel under pressure to achieve greater career success before they risk 'jeopardising' their career. Women taking maternity leave are made to feel 'guilty'.

A common response to my challenging any failure to allow for childcare commitments is that childcare should be shared. Women colleagues should 'pull their weight' and ensure their own partners share childcare. Yet my law school has always made arrangements to help men with childcare arrangements in the couple of cases where this was sought. As to partners sharing care, the reality even of 2000 A.D. is that very often women remain the

primary parent with responsibility for everyday care, assuming they have a partner to help at all. I note that many of the comments made about how men should pull their weight at home, so women can pull their weight at work are made by men, who have wives or partners who either do not work outside the home or work part-time! (7).

Few of the wtps promoted while still in their late twenties or early thirties had children although a number did so after their elevation.

Having a child (two years ago) made me cut back on essential things like trips to interesting places abroad to give papers, ... participating in student/staff social events but has not affected most things ... I do honestly think that I used to work a lot harder before I had a family ... If I'd had a family fifteen years ago I don't think I would be where I am now because I don't think it would have been as important to me. I wouldn't have put the work in to do all the good publications very early on ... it's usually the woman who decides no, that my career isn't as important and that's her choice. I do actually think that's quite a large part of the explanation (2).

This raises interesting questions as to whether those who had children before promotion were in some way 'held back'. Given the move towards earlier promotions generally and changing demographic patterns of reproduction with more women delaying their first child until their thirties than 20 years ago, it would be difficult to establish any clear answers.

Progression Norms

The above discussion forms the unspoken backdrop to the career development of women in law schools. It was noticeable that the wtps were much more likely to relate 'gender stories' when the subject of promotion was mentioned. A marked politicisation was evident, even among those women who had said they were unaware of matters of gender when they first became law teachers. Many different factors determine whether a person is likely to be promoted to professor. My study was not a comparative analysis of the success rates for promotion. It did not include women who had not been promoted nor did it look at men. However, it is widely accepted that, for whatever reason, women are promoted less frequently than men. This section reveals some of the complexities in the relations between structure, agency and culture(s).

Several wtps had themselves experienced promotion blockage.

Even though it took longer in those days to get promoted to S.L. [senior lecturer] than now, my promotion was delayed. I did feel that 2 or 3 of my colleagues were promoted before me unreasonably. They included one woman ... That was perhaps the first time I felt that something unfair had happened related to gender. ... I applied for the Chair in [my present university] (first time round) in May 1990 and was runner up ... this was before I got my S.L. from [A.B.]. I am not sure how much the fact of being short-listed for a Chair helped towards getting the S.L. because at the time there was a strict pecking order ... I then applied to several other Chairs and the impression I got was that I was either

shortlisted to legitimise the appointment of the chosen candidate (!) or the referees of the other candidate who beat me had greater influence than mine . . . When the Chair [here] became vacant I was asked to apply by the head of Department and I also made sure I had a “heavier” referee out of the three we had to name (17).

After [a few] years I won a scholarship to a year’s post doc in the U.S.A. Whilst I was away the entrants to the law school moved from a majority of men to approximately equal numbers of men and women; a colleague wrote and told me this “excess of women” was regarded as a problem by the male lecturers who had never seen lack of balance amongst students or staff as a problem when men dominated (30).

I was unable to get recognition in the form of an S.L. The university operated a policy where departments could only put up one candidate each year and for three years running a slightly older man was promoted. I felt partly this was a gender issue and also an unwillingness to recognise [the kind of work I did]. I seriously considered raising the issue of discrimination through the A.U.T. [Association of University Teachers] and possibly a tribunal but in the end I decided to look elsewhere. The last time I was rejected for promotion I was on the shortlist for three chairs. The man who was promoted was not shortlisted for the only one of these posts he applied for and remains an S.L. 10 years later . . . (30).

Again not everyone shares the view that structure or cultures have anything to with career progression.

Sometimes it seems as though younger women do not want practical advice about career progress, but prefer to blame the environment for lack of progress. The worst hindrance is an occasional failure to be taken seriously – as if one had entered the stage from outside and was playing a bit part, soon to exit, while the drama continues with its male players (11).

Although there has been some improvement on this front, universities have not traditionally felt the need for formal structures for career development, appraisal and mentoring. The path leading to promotion is not generally well marked and it may be some years before a woman realises that decisions about how her time is divided between teaching, administration and research, and perhaps more importantly the type of research she undertakes, will be of vital importance. Broader changes in the role of universities and the way they are structured are likely to exacerbate the gendered division of labour. In a comment on Australia, which applies with equal force in the U.K., Lafferty and Fleming (2000, p. 263) note that:

de facto privatisation, managerialism and restructuring on corporate lines has ushered in the implementation of market-driven principles that contradict those of gender equity. The devolution of budgetary responsibility to departmental heads has also meant that the career aspirations of many staff are dependent on the decisions of (predominantly male) departmental heads.

Many believed that appointments, promotions and systems of work allocation themselves contributed to the low numbers of women in top positions, in other words that it is a systemic problem.

[T]he most systematic discrimination I have encountered was at the University of [B.] There the norms for success excluded not only women and ethnic minorities but were also based on class and university (that is, non-Oxbridge) background (32).

I get on well with the V.C. [vice-chancellor, title of head of a U.K. university] and other senior members of the university ... when working at this level I feel absolutely that my opinion is respected ... I am conscious that I relate to people, and they to me, differently because of my gender, but this is not always a bad thing. Some awkward sods unbend significantly when working with a woman, for example ... There is a (quite wonderful) Senior Women's Network here ... and my contacts there confirm that there are serious glass ceiling problems across the university, and that most of it has to do with getting past the late middle-aged 'suits' in ones own School who are most threatened by smart female professors (and aren't we all) (5).

Putting it at its lowest, the effect of being faced with appointments boards or sitting on committees which were dominated by men can be off-putting.

I think panels should ideally reflect the kind of range of social relation/experiences which include gender but go beyond it. I think it's very off putting going for an interview and looking at a group of people and you think I can't identify with any of them at that superficial moment, because that's what you're dealing with isn't it, it's the superficial, that kind of encounter. So, definitely there should be, not one woman there should be half or whatever (9).

But again some see this as nothing more than a problem resolvable with a bit more courage.

It is also a help on committees to speak up and speak out. I remain intensely irritated by women who waste their places on committees by sitting and simpering silently (11).

Academic work has both the benefits and the downsides of self-motivation and direction. The 'assessment' of an academic C.V. (*curriculum vitae* or *resume*) for promotions and appointments is an inexact science. While women think academic work gives them flexibility to undertake child care, their assessors may assume that as a result they have less commitment, whatever that means (Sommerlad & Sanderson, 1999).

I am increasingly concerned how far attitudes among some colleagues in law and the wider university, really have changed. Overt discrimination has largely disappeared. No-one would say, as was said to me, "you're no competition, you'll get married and go part-time" or "you ought to stay at home with that baby – children who are deprived of their mothers fail to thrive". Yet such overt attitudes have their benefits. You can hit back. Other colleagues hear what is said and rally round. Today expression of such attitudes is more insidious. Colleagues wonder if "X. is pulling her weight". Requests to adjust teaching hours to meet childcare commitments are not met sympathetically. Yet requests to fit in with other external commitments are (7).

Several of the women identified the subjective aspects of assessment and evaluation of a person's contribution to the university. As one of them said

Despite universities asserting otherwise, many subjective assessments are involved in promotion decisions. As with most Universities the promotion appointments and pay systems are deeply suspect with opaque criteria and male dominated snobbery driving the systems (12).

It is important to know the right people:

I do believe that referees for Chair candidates are enormously important. Now that I sit on the other side of the Table I can confirm it . . . (17).

A third of the women said gender had influenced the subjects they taught. This was not always a matter of *choice* on their part as we have seen. A higher proportion said that gender had influenced their choice of research. Nearly a third said it affected their research area a lot and altogether nearly half suggested it had some influence. In terms of the subject specialisation there appears to be an overrepresentation of public law (including European, international and criminal law), and of family law, and an under representation of property law, trusts and equity, maritime law and commercial law. With hardly any common lawyers, or property lawyers, there is a clear message from this about marginality and subject segregation. Socio-legal studies is another example where women are found in larger numbers (Lacey, 1998, chapter 1). It is often commented that women are 'attracted' to the 'soft' degrees such as arts, humanities, and social studies (Cree, 1997). It seems that this process is replicated in their choices of options within subjects, and of their specialisms in practice (Sommerlad & Sanderson, 1998). We can begin to see the relationship between structure and agency, and the gendered processes of ascription, roles and norms in universities.

Particularly painfully I fear that subject areas in which women scholars abound tend to be talked down. Family law, medical law even criminal law are regarded by some as 'soft' options. 'Real men' do commercial law. A host of attitudes cover what I believe to be a continuing discomfort (bias) in relation to women academics. Yet they are difficult to pin down or combat. Their authors deny any bias (7).

5. CULTURE AND CULTURES

An important dimension in experiences of work is that played by the culture of the organisation. In universities, this is mainly felt at the departmental level. As people become more senior they are more likely to be involved in university level activities and my research confirms that this can have both a positive and a negative effect on people's experiences. The success of some women does not transform an organisational culture

(Gherardi, 1995). Local cultures within the university, within disciplines, within the department and within factions are not separate gated areas, although some of their members might behave as though they were. Not only is there a continual process of interaction and reaction between them, their values and attitudes are inevitably shaped by the broad social and political environment. Britain may have begun to embrace more proactive policies to underpin child care provision for working parents for example, but it is a long way from the Scandinavian models where second wave feminism has resulted in more substantial state investment in family friendly policies for those in employment (Crompton & Harris, 1999). Dual career families do not generally mean dual carers. Nonetheless within the broader pattern drawn by state and university policies, local cultures vary considerably.

Two law schools cropped up in many of the interviews as harbouring particularly negative organisational cultures (There may well be some others, including among the 30 or so law schools without a single woman law professor). It made no difference whether the person was talking about bad experiences in 1975 as a young lecturer or another person talking in 1995 as a promoted senior woman. This confirms the findings of organisational writers that gender relations are a complex product of a number of personal as well as institutional factors and that once established they can be resilient and enduring. Some of the women mentioned the overall impact of a having a Vice Chancellor sympathetic to equal opportunities to the extent of being proactive in developing policies and practices to encourage diversity. This sympathy was attributed to the effect of having a wife in professional work or having daughters now entering professional careers. Again structure, agency and culture coalesce.

Good Cultures . . .

In the more elite departments people stay for the money and the status even though they're not happy (9).

. . . Bad Cultures

Generally, my experience at A., was one of exclusion from any decision-making process . . . [When] I moved to Y. (a provincial university) [I] found the experience delightfully different so far as the department was concerned . . . Once operating at the university level, however, a pattern similar to that at A. emerged with committees overwhelmingly composed of males blissfully unaware of equal opportunities concerns and yet believing the essential fairness and objectivity of their assessment and evaluations. A topic for discussion at the senior awayday was the reform of the University's mission statement to remove the concept of working towards equal opportunities because the University has got there! And they really believe it (12).

When I first came to University *D*, it was very factional, there was an atmosphere that was very hostile and tension filled and well, I was going to say competitive, but it wasn't so much competitive as you just felt constantly judged, there were a lot of very miserable alienated people there and then a group of people who seemed to be the departmental bullies. I suppose the dominant faction was the group of people who saw themselves as being superior to everyone else in terms of the quality of their work, and their drive and ambition; I think they tended to characterise a number of other people in the department as losers and lazy people (22).

[I] worked in [ex-colony] 'There were very few women . . . but in the early days this did not seem to matter, as the small staff group were so varied in nationality and background that no 'majority' group emerged. As the staff numbers increased, and there was a recruitment drive from the U.K. and other commonwealth universities, white male academics began to emerge as a majority group and to determine the norms for selection and promotion. This worked to the disadvantage of both women and non-white men in the Department. There were no mentors (32).

I've experienced more harassment in the two years here than I have in twenty years of a career and it's interesting the harassment comes from below from males who obviously are jealous but also from peers and I've been horrified . . . There are other things about this university as well, it's got this tremendous bullying atmosphere and part of it stems from the person at the top who has devolved a lot of power and it's all to men. It's like that dictat goes out from the top so these guys feel under pressure to implement his policy so they exert bullying and some tremendous, quite horrific, bullying stories have emerged (45).

I have experienced sexism at my current university although this has seemed to be more to do with individuals than the university culture. I do get asked to be on appointment panels because I am a woman but I do not agree to do this unless it is a post I have an interest in. Women professors are still a minority so committees aren't equally balanced but I think there is a conscious effort to increase women's participation in an institution which is less hierarchical than many universities (30).

Some wlps thought that having more women in senior management would improve morale and diminish the sense of marginalisation. This echoes the findings of other researchers, (Thomas and Davies forthcoming) and the comments noted earlier that the presence of more women would have improved their experiences at work.

There is a way in which there is different interaction between men and women at this very senior level that I've noticed and other senior women have noticed it too. They're not perhaps as comfortable with senior women as they might be. Sometimes that just translates into a kind of gallantry that you can use as well and sometimes there are uncomfortable people there who nevertheless enjoy the company of women and you can sometimes get more out of them and get to them to work, almost more productively in a mixed group and that's lovely. But at the top level we need a female P.V.C. [pro-vice-chancellor], I think we've had one female P.V.C. in the history of the place, that I know of. We certainly need someone in that position who would then be on the university's more inner management group which is the power house and kind of reaching critical mass, I think there are twenty-two of us, which isn't very many, we're low on professorial numbers but across a range of disciplines and with a range of different talents (5).

Microcultures

The subtle and indirect types of devaluation are often more difficult to deal with than the direct. It can be easier to deal with people who are up front patrician than with those who *say* the right things but continually *do* the wrong ones. Overall, microcultures (at departmental level and below) probably have the most wearing or damaging effects (Morley, 1999).

I had nasty battles about setting up Women in Society course and M.A. in Women's Studies, including in Senate where cracks like "teaching knitting" were made. It was hurtful, that one's intellectual interests were not legitimate (37).

I think a lot of women [are] unsure whether academia suits them and [are] less confident about that kind of public argument and debate, winning points, those sorts of things I think. I suppose it's an environment which a lot of women don't feel very comfortable in (9).

Being left out of things hurts, and that has happened an enormous amount here under successive heads, with one honourable exception. All the heads we have had have tended to take advice from senior colleagues but the tendency has been to ask the chaps In the past I have found out things from junior colleagues (male) who have had them from a boyzone member, and they are matters as to which I ought to have been consulted. This is quite horrid, but incredibly difficult to rectify in any consistent [way] without seeming like a screaming harridan "why wasn't I consulted?" (5).

Some of it is sheer verbal abuse by the Head of Department being extremely rude to me. But also these sort of little asides, the nastiness and very nasty digs (45).

Being spoken to condescendingly, or even just rudely is another grouse. The last head called me 'Madam' to my face for several years, pretending it was a joke whenever I objected. In the past I have let some of this get to me in the form of illness . . . and something else I've had to deal with and dealt with quite brusquely today, a student who should have asked for permission to be absent during term time. I've had a copy of the email from his tutor saying you must ask Professor [me]. The phone rings and says is Miss [Mary Doe] there and I said no, but Professor Doe is here and what do you want and he told me what he wanted and he was on a mobile phone and he got cut off. And I thought, we've sorted this point out haven't we, but when I picked up the phone again he said, Dr [Doe] and I said Professor [Doe] and I wouldn't normally do that to anybody, I wouldn't do it to a delivery man, but I thought you little so and so . . . I don't know what goes on underneath all that but I know they wouldn't do it to [the male professors] absolutely not, they wouldn't dream of it (5).

Devaluing behaviour if it is persistent becomes bullying.

Part of tackling bullying is to identify that someone's bullying, and I think it wasn't until I watched a T.V. show about work place bullying when I suddenly thought, oh, this is what this is, the relentless wearing you down by undermining your confidence and teaching or something and then you start to think about what you can do about it. And, I think that must be a common experience around courses and control over courses and young women coming on to them and if you use a core text which is written by the man who is leading the course, then all the students think it's his course and so what do you do? (9).

I think also senior women feel rather frightened to talk about this kind of thing because it does look as though it makes you look very weak and I feel women are very reluctant to really confront it at work. One of the things I do feel is that it is the male hierarchy which is also the discipline which is imposed on junior people as well, so it's not totally gender related because they are equally bad in their behaviour towards junior people. But again, you see this difference with women, all the women in your department are a problem and it is very interesting to see why they are categorised as a problem. It's quite obvious and they're very unaware of it . . . (45).

Not everyone shares the view that harassment is a problem:

I remain opposed to gender studies for reasons I find hard to articulate (marginalisation, softness?); and I also think that the sexual harassment movement has gone much too far . . . I am a follower of the small group of women who believe that sexual harassment codes do women no good, in that they represent them as sensitive, prudish, obsessed with protection, vengeful, humourless, and totally inept in dealing with men (11).

Evaluating Equal Opportunities Policies

The questionnaire asked respondents to rate their institutions in terms of equal opportunities policies and practice using a typology of equal opportunities compliance which ranges from 'no awareness' through to ingrained ethos via stageposts of 'lip service', 'predisposition', and 'commitment' (Powney & Weiner, 1992). Only one person thought their institution had incorporated equal opportunities in all its decision making while a further 10 thought their institution was committed. (One qualified her assessment with the comment that she was rating the Personnel Department not the Vice Chancellor "[who] does not know [the] meaning of such words".) A third of the wlps rated their universities as only at the predisposed stage while as many as a quarter thought they only paid lip service to equal opportunities. If this last group accurately reflects their institution's record on equal opportunities, it confirms the view that the gap between policy and implementation is a serious problem in universities (Farish et al., 1995). Surveys indicate that, while nearly all universities claim to have an equal opportunities policy only a third have accompanying action plans, only half train staff involved in recruitment and selection, and twenty per cent take no action on information derived from statistical monitoring (C.U.C.O., 1997).

In a recent survey I conducted on behalf of the Women Law Professors Network I found that only 40 per cent of heads of law school were required to undertake training in equal opportunities. They all believe sincerely and passionately that they understand and support equal opportunities.

6. BECOMING A SENIOR MEMBER OF FACULTY

Thornton's "queen bee" construction did not yield such a strong recognition factor as dutiful daughter (but then neither did "body beautiful"). However, characterisation as the 'exceptional woman' is a difficult construction to avoid for successful women (Stacey, 1998, p. 83). On one reading they are the antithesis of the dutiful daughters, the worker bees. This is all part of the process of maintaining the status quo. Flattering successful women into believing they are exceptional justifies their being kept as a minority. They are recruited as 'honorary males' and by invitation join the dominant group of king bees. At the same time they may carry the dutiful (and therefore not exactly brilliant) image to prevent full admission or further progress. Only limited paths are available for women at this stage. Ascending the hierarchy will often mean for women an inevitable, tacit acceptance of the organisational culture. Gaining access to power for women may often be at the cost of their sense of identity as women, or their solidarity with others. As one group of writers puts it: "As long as women are still classed as 'the other' they must either lose or deny their difference to join the elite, or face endless conflict and self doubt" (Davies et al., 1994, p. 4).

Entry into the elite does not necessarily imply any major transformation of the principles of the gender differentiation process. This is crucially connected with issues of leadership. I asked the wpls in what ways they perceived their jobs had changed since promotion. Two said that their workload was unchanged, four that it had changed a little, six to some extent and 13 said it had changed a lot. An overwhelming majority therefore fell on the side of promotion having had *more than* 'a little' effect on workload. All but one reported that the *type* of work they now did had changed. The smallest change was in relation to teaching with 11 reporting no change at all and only six suggesting it had changed a lot. In relation to research four reported no change at all or a lot of change and the remaining 22 suggesting that their research workload had changed a little (14) or to some extent (7). When it came to *administration* within their department the picture began to alter. Only one opted for each of the 'no change' and 'a little change' categories. Over a third said that this had changed to some extent and over half that it had changed a lot. A similar distribution was seen for activities within and beyond the university, including mentoring. Thus promotion to professor seems to bring with it significantly increased workloads in administration and mentoring.

As well as change in terms of progress over time, some reported changes as they progressed up the career ladder.

For Better . . .

The turning point in my career came when I was appointed to my first chair (1991). This in itself was the result of my disappointment in non-promotion to readership in my then university and my embittered desire to go elsewhere! Once I became a professor I found – without any real rationalisation – that all doors opened and one suddenly was credited with a talent hitherto unrecognised! Many opportunities for outside work and community activities at high profile level presented themselves. I also experienced the ‘Emperor’s New Clothes Syndrome’ – nobody thereafter ever questions one’s competence (3).

. . . I think being a woman cut down my opportunities in circular fashion. I was not invited (for example) to give lectures because my name was not attractive or well-known, hence it did not become well-known. This did impact on my career though it is hard to say how much. I do feel, however, that more problems were caused by my unorthodox views; I have never been a hedge-your-bets, grey man. Since I became a professor, these difficulties have tended to disappear (20).

. . . for Worse

However, it seems more common to find hostility increasing with success.

It was as I gained promotion, particularly to a Chair in 1990, that I experienced greater difficulties arising out of gender. Outside the law school especially within the Medical Faculty, a different world existed. Female colleagues were often isolated in their departments. They existed in ones and twos with barely any senior women in the department. Some of the senior women who did hold Chairs when I became a Professor in 1990 were not sympathetic to other women’s difficulties. They denied gender was an issue. A woman who was sufficiently able would succeed they told me. Motherhood was a choice which to most women excluded career success. Advocating the cause of equal opportunities in Senate and elsewhere labelled one as a ‘loony feminist’. The University rhetoric has changed. The presence, as senior Pro-Vice-Chancellor, of a female Professor who commands universal respect helps. [She] has sought quietly but persistently to alter attitudes among University leaders. She and a growing number of other women Professors reject the stance of some of their predecessors and recognise the obstacles women confront in University life. I am no longer seen as a ‘loony feminist’ but rather (as I am) middle of the road and middle aged (alas) (6).

When I was promoted to S.L. attitudes of male colleagues changed. When they saw I wanted more, attitudes hardened. . . . [W]omen who have become lecturers have already broken out of their perceived roles and are seen as a threat . . .

Someone else said that, nowadays, men can’t stop women from succeeding but they will never forgive us for doing so. This rings true for me because actual success is tinged with a feeling of unworthiness (10).

Managing

As I mentioned earlier, professorship is a gateway to management. Evidence of ‘strategic leadership’ is a criterion for promotion to a personal chair in some universities. Professorial appointment often coincides with

the expectation that management roles will be undertaken. Thus decisions to promote or appoint at the chair level are often also decisions (sometimes explicit, sometimes not) that a person is suitable for management. The people who make those decisions are by and large men.

Management, like law, is an occupation that is historically and culturally associated with men. It is seen as intrinsically masculine, something men do. Leadership is constructed with a masculine subtext. Good managers are perceived as having masculine characteristics, and until recently adjectives such as 'competitive', 'aggressive', 'rational' and 'strategic' were associated with good organisations (Belcher, 1997). Yet all of these are seen as undesirable traits in women. In an ironic reversal 'feminine' characteristics have been adopted by management experts: 'emotional intelligence' is a new management catchphrase. Intuition, and empathic qualities, are now to be nurtured. But so also is charismatic leadership, which is not associated with the feminine.

There is evidence that in general women hold fewer management positions (although care needs to be taken with how management is defined) and that women managers experience higher levels of stress both at work and at home. They often lack female role models, are exposed to sex stereotyping and their visibility puts pressures on them to succeed. Fifteen women in my study reported that they had suffered stress-related illness. This is consistent with studies disclosing that academics suffer higher levels of stress than many workers (Lafferty & Fleming, 2000; Illing, 2001). According to one study, 25 per cent of academics reported they had taken time off work *in the last 12 months* with stress induced illness (Kinnman, 1998). While it is not possible to conclude whether wlp are more stressed than their male counterparts, it can be said that they experience high levels of stress. Women are socialised into acknowledging vulnerability more than men which may affect both their experience of managing and the experience of those being managed by them. It may also affect their responses to questionnaires.

Universities have traditionally been run on collegiate or as it might less sympathetically be described, feudal, styles of management (Hearn, 1999). There is a clear trend towards corporate management.

Deans, heads of department are increasingly appointed by vice-chancellors as line managers rather than as academic staff temporarily obliged in the traditional collegial fashion to perform administrative tasks (Lafferty & Fleming, 2000, p. 261).

Only a handful of the women had been head of school. Those who had nearly all agreed that it was a very stressful and difficult period, something that goes with the territory of the role as much as with gender. Some, however, had had very negative experiences which they attributed

to gender perceptions on the part of both the men and the women in their departments. Many of the comments suggest a reluctance to acknowledge the impact of gender while at the same time being unable to escape its overpowering effect on ideas of leadership.

... Being a female H.O.D. [Head of Department] was not really a problem. Interestingly relations were harder with subordinate women than men and I had no particular difficulty with male superiors (other than A.B. – but he was a pig to everyone). Over the years I have learned how to win crusty men over. It requires some abandonment of ego – I suppose the problem is that as a senior female one still has to prove oneself a bit whereas I think senior men are taken as being senior at face value (5).

While the next one acknowledges gender more directly:

Being a head of school is almost impossible anyway. The stresses and strains are momentous. As a woman, networks, support systems are harder to tap in to. It is very lonely (a trip to the pub etc is difficult and easily misconstrued!) I think it is easier to be seen as weak because I am not aggressive or vindictive (25).

Nonetheless, although there was sometimes an evident reluctance to analyse the issue in gender terms, in each case comparisons surfaced:

As far as stress is concerned I felt being Dean and H.O.D. was far too pressured for me. The workload was enormous.. I felt that I had to be very hands on, and very committed to staff and this was draining ... Personnel matters were quite difficult at times. I saw the vulnerabilities of many outwardly strong colleagues. Perhaps they reacted to me differently from how they would have reacted to a male head of department, but they felt able to come to me with problems. I was not good at delegating because I did not want to burden colleagues (38).

The pastoral role continues even as head of school:

I've experienced already as Head of Department the fact that other colleagues are talking to me more than they would have talked to the previous Head of Department (22).

Echoing theories of organisational cultures and micro cultures one woman drew a distinction between relations with her own department and those with the university as a whole.

I suppose I see it in two quite different ways. Internally to the department, I see it as quite a positive thing because it's such a nice department and they're such good people and it's a very positive experience in that internal sense, you know, all the stuff that has to do just with what goes on in the department. In terms of what I have to do outside the department, the rest of the university community, I see that as very depressing and bothersome and frustrating and anger making and incredibly stressful (22).

As I have already noted, entry into the elite does not necessarily imply any major transformation of the principles of the gender differentiation process. Perhaps it should not surprise us that, of the small number who had experience of headship, only one thought gender and management crucial:

I think that gender is a crucial issue in management. It needs to be addressed and it isn't. The managed, both female and male, react differently to female managers. Men who are born to rule excite less enmity from women and men. It is not sufficient for women to be appointed to senior management so that employers can pat themselves on the back without doing anything to offer support in terms of the problems women may come up against because they are women. Male incompetence is more readily tolerated (46).

7. INTERSECTIONS, CHANGING TIMES AND CONCLUSIONS

Intersections

Gender is, in nearly all cases, a visible marker of difference but it intersects with religion, class, ethnicity and other forms of marginality. Because identity is constructed from many factors it is inherently unstable:

[G]endered identities are mutable cultural and historical productions, subjectively experienced as both precarious yet fundamental – with that precariousness most evident in men's uncertain hold on phallic masculinity (Segal, 1999, p. 52).

Although I did not raise them specifically these other aspects of identity emerged in a number of the interviews and in one or two of the self-reports. Echoing Whitehead's findings on women M.P.s [Member of Parliament] a number mentioned the overriding influence of class and 'public schoolness' rather than gender (1999, p. 24). Religion was cited as relevant too. For example some institutions were seen to be traditionally 'English' while others more 'Jewish'. In relation to Catholicism, religion was experienced as significant in Northern Ireland particularly.

There is no doubt that [university Y.] did practice institutional discrimination against Catholics. All kinds of expectations grounded in these factors influenced conduct of affairs in that school . . . Our identities are complex, gender plays a part, but I was an outsider in terms of background, nationality, outlook and work (37).

Sexuality featured too for four of the respondents.

There were a couple of men who stopped talking to me as soon as I started. One man, because he heard I was a lesbian on the second day; the first day he was chatting me up and the second day . . . he didn't talk to me for seven years, not a word, not even hello. I was walking by through the corridor and he would let a door swing in my face so there was that sort of thing and, I mean, people said he was bizarre so that wasn't helpful, so there was that kind of thing. There was some bullying from male staff who I taught with, so there were different ways in which gender got played out but I suppose you would have wanted to feel your friends were women, not necessarily just women, but that hurt more (7).

Many recognised that personality and other factors interact in determining one's experiences.

I can certainly say that I have, from time to time, been treated rather badly but it's hard to say whether this is because I am a woman, or because I grew up here, or because I am disliked . . . or because of jealousy, or other reasons . . . My relationships with younger colleagues are I think pretty sound . . . does being a woman make a difference? Yes, because they all, including the young men, confide things they wouldn't tell male colleagues. Being a woman means I don't have to pretend that work is more important than it is, and I have more hands – on experience of juggling child care and work than any of my male professorial colleagues (5).

Gender problems have not dominated my law school experiences although they do play a role it is difficult to single out their impact. To give an example if your salary is lower than that of a colleague who is male and a reply to a salary revision is based on the statement 'there is no money' then it becomes difficult to say there is no gender awareness. I do however encounter difficulties in relations with men (impossibility to invite them home, surprise or disbelief at my being a professor) (36).

Law, with its associations with authority (and class), compensated for gender in the view of one respondent.

There was a Chair because [the external advisor] obviously told them that you're not going to get a lawyer to come and Head a law department unless you give them a Chair. You can treat nurses badly, they're just women aren't they? But you can't treat lawyers badly! I think that's the thing you see, if you're a lawyer you do compensate to an extent for the disadvantage of sex because people are frightened of lawyers (26).

Changing Times

In addition to the changed experiences already noted as individuals progress through their own biographies, the impact of historical trends can be noted. A number of wlps thought gender had been more of a problem in the past. One respondent recalled that the co-educational college at which she first taught had separate common rooms for men and women.

[O]ne awkwardness was the three common rooms in [A.] in those days, the men's the women's and the joint and of course I used the joint but not many men did so in terms of informal contact, the common rooms were used a lot, that's where you went for lunch and things (26).

Others recognise that change is multi faceted and unpredictable in its effects.

[This] law school has changed immeasurably over the last 20 years. There is no real problem in terms of gender both in staff and student issues. However I think it might be easy to slip back so vigilance is required (7).

The difficulties faced by women in 2000 are different from those confronting women entering academic life in 1971. The presence of women in greater numbers helps. However numbers alone is not enough. We need to monitor promotion and look at how far women are appointed to lead law schools. We need to ensure that senior women do not fall in to the trap

of believing that they should become gender neutral. Male colleagues are quick to make accusations that women favour other women. That men have always supported other men appears to them irrelevant. Regardless of theories of equality, practical problems which confront women more often than men must be recognised. It is not only childcare which falls predominately to women. The care of elderly parents often becomes the responsibilities of daughters rather than sons. There is no point in pretending female careers and external responsibilities are identical to male careers. Differences must be recognised and the talents of women and men constructively encouraged (7).

Concluding Comments

Much feminist literature is premised on the assumption that gendering is a pervasive and on – going aspect of social constructions. Women have until recently been in a minority at all levels in higher education institutions. Over the last 20 years, however, as many women as men have entered the undergraduate stage; and while some disciplines still attract significantly more men, this is not the case for law. The law school is nonetheless highly gendered in many respects. Support staff and librarians are mostly women (except for Information Technology where the reverse is true). Senior staff, professors, and heads of school are mostly male as are university vice chancellors and officers (Bown, 1999). Many of the women in this study were students and junior lecturers at a time when these disparities were even more marked than they are today. Yet a number of them appear to have negotiated their understanding of their role without the deployment of gender concepts – gender did not affect their relations with colleagues and students. This contrasts with those writers who assert the gendered subject in the class room (Mossman, 1998; Farley, 1996). Because law is associated with ‘male’ characteristics such as objectivity and rationality, some have argued that women lawyers are in ‘double jeopardy’ (Thornton, 1996). There is some evidence that women professors are concentrated in the softer areas of family, public and criminal law. Did they go into those areas because the entry points for publication were easier? Was their research rated because they were not competing in the ‘hard’ areas? These are all questions for further research.

The main themes that emerge are homogeneity of background (education, class and ethnicity), diversity of individual perceptions of gender effects, and significant variations between different institutions. Organisational cultures emerge as an important dimension; those who have worked in more than one law school (though a significant number have spent their career in the same one) often had quite different experiences in each of them. This did not seem particularly connected with passage of time – some went from (in their view) bad to good universities, others from good to bad. A lot of the women in the study either have children or responsibilities for other dependants. Many of the women believe they

are disproportionately engaged in caring roles at work and are perceived to have conflicting duties at home. Both 'reality' and 'perception' can adversely affect career progression. For some in this study, the explanation lies simply in choice – that is what women have chosen to do. Others see it as a part of a process of social construction deriving from the pre-eminent role of women in the private, domestic sphere.

Those who thought that gender had not had a perceptible effect on their own careers formed a very small minority and an even smaller number said they thought it had no effect on anyone else either. A number of those who had held managerial positions in the department (head of school, for example) found relations within the department or at the university level difficult and it was described more than once as the worst period in their career in terms of workload and stress. The reported incidence of stress-related illness was high.

It would seem that the majority of the women who were unaffected by gender nonetheless recognised that gender might be an issue in terms of representation or diversity, or that it might affect others. It was as though for these women, the negative individual impact would need to be very obvious and gross before it disrupted their overall perception that gender had been an irrelevant factor in their reception and treatment in universities. Awareness of the lack of diversity in universities has been slow and many of the respondents entered university at a time when the solutions were seen as less intractable and anti-discrimination legislation was thought to provide the answers. It is not uncommon for people to be able to recognise gender disadvantage in others' lives but fail to see that the culture in which they are immersed is itself masculinist. A similar phenomenon was noted by Whitehead in his study of women M.P.s (1999, p. 26). This inside/outside denial explains the belief of many (male) academics that their own institution is equal opportunities compliant although they know of others that are not (C.U.C.O., 1997, p. 2). Perhaps echoing their status as 'others', the wlps were on the whole critical of their own institutions in this regard.

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